



The City of Lynchburg, Virginia

October 7, 1998

**Request for Proposals
Telecommunications Strategic Partners**

Proposals for Telecommunications Strategic Partners will be received until but no later than 4:00 p.m., Tuesday, December 1, 1998 at the locations noted in the following document.

All proposals, as well as questions relating to the RFP, are to be submitted in accordance with the instructions in the RFP.

RFP FOR STRATEGIC PARTNERS

A. Purpose

The City of Lynchburg is seeking one or more strategic partners to develop infrastructure and provide telecommunications and cable services to the City and its schools, residents, and businesses. Any strategic partnering arrangement must complement the City's strengths and assure that the City and its constituents gain full advantage of competition in the telecommunications market.

The purpose of this Request for Proposal (RFP) process is to identify, evaluate, negotiate with, and select one or more potential strategic partners. The strategic "partnerships" can take the form of contractual service arrangements, asset sales or exchanges, franchises, joint ventures, and other types of arrangements. The form of the strategic partnership will be shaped by, and must comply with, the limitations placed on the City pursuant to Virginia Code § 15.2-1500.

Purpose and Background

B. About Lynchburg

Lynchburg is located near the geographic center of the state in the valley of the James River, bordered by the eastern edge of the Blue Ridge Mountains. It is approximately 180 miles southwest of Washington, D.C. and 200 miles west of the port of Hampton Roads. The southern border of Virginia lies 65 miles due south.

Today, Lynchburg is home to 3,000 businesses. The wide variety of products manufactured here includes communications equipment, integrated circuits, pharmaceuticals, power generators, rubber products, and iron pipe and castings. Other major employers include insurance companies, colleges, health care facilities, and retailers. The area's highly skilled labor force numbers over 110,000, and there are many training and apprenticeship programs provided locally to enable employees to keep skills up-to-date.

Lynchburg is a broadly diversified manufacturing center known for its production of communications equipment, materials handling machinery, integrated circuits, power generators, pharmaceutical products, paperboard, rubber products, iron pipe castings, and much more. The city has one of the highest percentages of people employed in manufacturing of any city in Virginia. Over 200 manufacturers employ 30 percent of Central Virginia's work force, generating an annual payroll of approximately \$665 million.

The manufacturing base is augmented by a strong and growing healthcare sector, insurance companies with over 1,200 employees, and five area colleges. Nine lending institutions with assets totaling more than \$230.6 billion service the area.

Increasingly, the area is solidifying its reputation as one in which “high technology” is the workplace norm. Widespread use of CAD-CAM systems by local manufacturers, the production of highly sophisticated and technical products such as communications equipment and nuclear fuel systems, and the presence of four long-haul fiber optics systems are representative of this evolving reputation. The Lynchburg City Council’s vision of harnessing the collective resources of the region to “...develop a strong, progressive, highly technological economic base...” is already serving as the guide for both public- and private- sector activities that will insure Lynchburg’s competitive position in the world of high technology.

Central Virginia Community College (CVCC) responds to the needs of local industries for highly-skilled workers by creating specific training programs, tailor-made to meet an individual firm’s needs. Courses can be taught on-site or at the college. CVCC uses the latest technology available to provide instruction in electronics, computer programming, data processing, and computer-aided drafting and manufacturing. The college instituted “Quality First” and ISO 9000 programs in 1990 to support area businesses.

The Virginia Community College System and the Center for Innovative Technology have established a Technology Transfer Program to work with business leaders to provide information on available technology resources. This program is intended to channel technical knowledge of Virginia’s universities to meet the needs of area businesses and to help industry make the most effective use of these resources.

Virginia’s Division of Apprenticeship Training assists industry in the development of apprenticeship programs with the aim of providing an increasingly complex economy with skilled workers. The division provides technical assistance through its field staff in setting up the programs for over 80 trade classifications, working with individual employers to meet the needs of local industry. Central Virginia Community College serves as one of Virginia’s regional apprenticeship centers.

Lynchburg General Hospital and Virginia Baptist Hospital are divisions of Centra Health, a community-owned, not-for-profit healthcare system created in 1986. Lynchburg General offers emergency and trauma care, cardiology, neurology, critical care, orthopedics, and neurosurgery services. Virginia Baptist offers cancer care, mental health and chemical dependency treatment, home health, and physical rehabilitation. Nearly 300 physicians, representing all major specialties, practice in the area.

While Lynchburg has much to offer its residents and businesses, it faces challenges in attracting new employers and ensuring that its residents receive the benefits of all the latest advancements in telecommunications technologies, including access to high speed data services and choice in

providers and services at competitive prices. At the current time, Bell Atlantic is the only provider of local telephone services and of high speed data services in Lynchburg.

The Lynchburg City Council believes strongly that access to high speed data services and other telecommunications services, at competitive prices, is important for the continued growth and vitality of the community. New businesses that consider locating in the area will demand access to advanced telecommunications. Representatives of Region 2000 report that some of the most frequently asked questions by relocating businesses are:

“Which major long distance carriers have a local point of presence?”

“What is the distance between the long distance carrier’s point of presence and the building we might occupy?”

“Are there fiber optic lines in the City?”

“Is there ISDN Service?”

As businesses become more sophisticated about, and dependent on, advanced telecommunications services, the quality and quantity of offerings in the City will become even more important in attracting and maintaining growth.

Lynchburg has unique qualities and resources that it is willing to use to support the development of competitive telecom services. The City’s:

- history
- culture
- diversity of business, educational institutions, and medical institutions
- existing fiber optic network
- supportive and enthusiastic government, with strong leadership within the City administration; and
- community support

all demonstrate that Lynchburg is ready for competition.

Further details about the City of Lynchburg and the surrounding regions are discussed in reports presented to the City Council on September 15, 1998. Copies of these reports are available on the City’s website at <http://www.ci.lynchburg.va.us/fiberoptic>.

C. About The Fiber Optic Network

In 1997, the City began its own fiber optic network project by constructing 10 miles of fiber, to be used primarily to convey GIS data. The project quickly expanded, and with the support of the school system, the City now has built out a network of over 40 miles, connecting over 50 sites on an ATM system with:

- 6 ATM OC-3 Circuits
- 12-100 Mb Ethernet Circuits
- 21-10 Mb Ethernet Circuits

All of the elementary and secondary schools in the Lynchburg system have been wired. The schools have devoted substantial resources to purchasing computer equipment to be used in the classrooms to take advantage of the fiber optic network. The City and the schools connect with the state Internet system via the fiber optic network and a connection in the public library.

The City is using the fiber optic network for Internet access, system monitoring, transferring and sharing GIS data, and other data uses. The City does not at this time use the network for telephone services. The schools are using fiber optic network for Internet access.

The network passes most major businesses, hospitals, and colleges in the City, and could be expanded to offer these entities a broad range of services, including “dark fiber” (fiber optic cable for high speed data communication without the electronics necessary to “light” the cable and transmit information), “band width” (fiber optic cable for high speed data communication with the electronics necessary to transmit information), “competitive access” (linking a customer’s facilities directly to a long distance carrier’s local point of presence, thus bypassing the local exchange), Internet services, video services, and traditional telephone services. Recognizing this potential, the City has invested time and financial resources to study the telecommunication needs of the community, to explore ways to develop the existing fiber network to meet these needs, and to explore possible alliances with partners from the industry.

The City expects to recoup the financial investment it has made, including construction and equipment costs and consulting fees, if it sells the network.

D. About The Strategic Partner Development Process

In the spring of 1997, the City Council began a preliminary assessment of the telecommunications needs of the City, and to describe possible solutions to those needs utilizing the City’s existing telecommunications fiber optic network. At the time the Council authorized the study, it perceived that there was a widely held view throughout the City that there was no real telecommunications competition in the City of Lynchburg. The Council also perceived that competition was necessary to ensure that businesses and residents in the City would gain access to high speed data services, to give consumers choice among multiple services from multiple

providers, and to force providers to remain competitive in their pricing for existing and new services.

The preliminary assessment validated the accuracy of these perceptions. Information gathered by interviewing community representatives, City employees, school personnel and officials, representatives of the health care industry, and representatives of local businesses verified the need for competition in the telecommunications market in the City of Lynchburg.

The preliminary findings were reported to the City in the summer of 1997. Based on this preliminary assessment, the Council launched its Strategic Partner Development Process in September 1997. At this time, the City had the option to sell or lease capacity on its network, to provide services itself or in combination with private providers, or to sell its network. The City Council directed the City's staff and consultants to focus on finding one or more "strategic partners" from the private sector to work with the City.

In the spring of 1998, the Virginia legislature amended the Virginia Code to prohibit municipalities from offering telecommunications equipment and infrastructure, other than pole attachments or conduit occupancy, or services for sale or lease other than to governmental entities. Va. Code § 15.2-1500. In response to the new law, the City asked its consultants to determine whether and what options existed for further development of the City's fiber optic network.

The City of Lynchburg contracted with Thomas W. Seaman, Ph.D. to plan and conduct a market analysis. Dr. Seaman is the Director of the Center for Community Development at Lynchburg College and a long time resident of the area.

The market analysis involved four distinct steps. First, relying on secondary data, Dr. Seaman gathered and summarized selected demographics of the City and surrounding metropolitan area. Dr. Seaman based his selection of the demographics on the relevance of the data services likely to be of interest to telecommunications potential partners in an expanded system. Second, Dr. Seaman conducted a series of surveys focusing on the telecommunications use, needs, and wants of various sectors of the City's population. The surveyed sectors were businesses, teachers, physicians, health care institutions, and heads of households. The goal was to develop quantitative market indicators. Third, Dr. Seaman conducted a series of focus groups to explore ideas, knowledge, and enthusiasm among representatives from business, education, health care, and households. Fourth, Dr. Seaman and City Staff conducted a number of face-to-face interviews with representatives from local government, business, and educational institutions who are major potential users of an expanded telecommunications system. The purpose of the interviews was to gather information about the needs and wants of the institutions, to give them a personal briefing on the status of the system, and to generate enthusiasm for an expanded system.

The City also worked with S. Ingram & Associates to develop a hypothetical system design and prepare financial benchmarks to determine whether it is technically and economically feasible to “overbuild” telecommunication services in the City -- in other words, to determine whether a second provider could feasibly offer data, video, and data services in the City of Lynchburg. Such a provider might not necessarily construct a system exactly as S. Ingram & Associates hypothesized, but the hypothetical system is one that can work.

To prepare the financial analysis, S. Ingram & Associates utilized industry averages for costs associated with constructing and operating facilities necessary to offer each of the types of services (in other words, costs associated with equipment for video services, data services, telephony services, security services, etc.). Construction costs were based upon actual costs associated with similar projects and information obtained from industry vendors and contractors. Operating costs were based upon actual costs associated with similar systems. Staffing was based upon industry averages.

On the revenue side, S. Ingram & Associates looked at historical information from other communities where competitors have overbuilt the existing incumbent systems.

The City also engaged in an intensive process of locating potential partners. It started that process by asking its consultants to review their contacts with telecommunications providers around the country to identify likely candidates to enter into the Lynchburg market and to enter into some type of relationship with the City. The consultants also reviewed and considered the types of providers who already were becoming involved in the Virginia market and markets in the southeastern part of the United States. From this review, the City developed a list of over forty potential strategic partners.

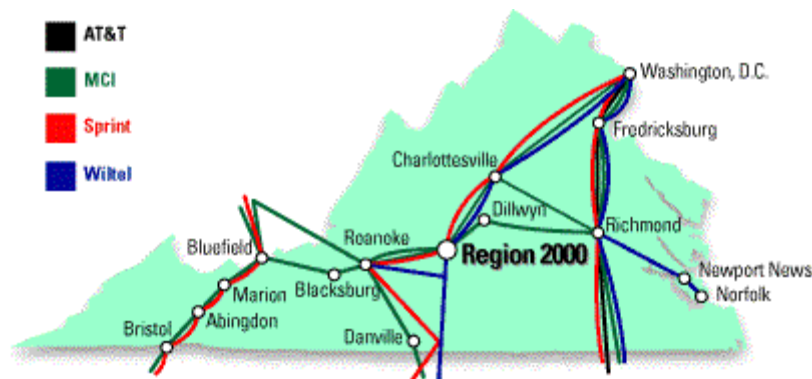
The City contacted each of the potential strategic partners by telephone, and, if they expressed any interest, forwarded to them written materials describing the City of Lynchburg, the existing fiber optic telecommunications network, the goals of the City for its telecommunications network, the state law, and other relevant factors that a potential partner would need to understand before meaningful discussions with the City.

The City had several meetings with local potential partners in August 1998. In the week of August 24, 1998, the City manager, City staff, the City’s consultants, a representative of Region 2000, and a representative of the Lynchburg Schools, met with seven potential strategic partners to exchange ideas and information and to explore whether a possibility for cooperation and development exists.

The results of the consultants’ review are reflected in a report on strategic partner selection process that was presented to the City at a workshop on September 15, 1998. In brief, the consultants concluded that there may be one or more strategic partners who potentially can help the City meet its telecommunications goals. The contacts with potential strategic partners, including the in-depth meetings with representatives of seven potential partners, demonstrate

that there is a high initial level of enthusiasm about the prospect of partnering with the City of Lynchburg and about finding creative ways to comply with Virginia Code § 15.2-1500. The representatives with whom the City met almost uniformly articulated a belief that the City of Lynchburg holds several assets that are extremely valuable to a strategic partner. These assets include:

- The City's vision.
- The City's commitment, demonstrated by its willingness to devote time and financial resources to the project.
- The City's open and inclusive relationship with the industry.
- The City's demonstrated commitment to education, and the commitment of the Lynchburg schools to utilize advanced telecommunications services to educate the City's children.
- The presence of real "champions" of the telecommunications project in the City government and school system.
- The advancement of the City's telecommunications plan, which is miles ahead (both literally and figuratively) of other communities in the region and nation.
- The potential for regional support, embodied by the support and interaction with Region 2000.
- The City's existing fiber optic network.
- The presence of the long haul fiber optic facilities of four telecommunications providers, as shown below:



As indicated, copies of the report are available from the City's website at <http://www.ci.lynchburg.va.us/fiberoptic>.

The adoption of Virginia Code § 15.2-1500 has limited the City's options for strategic partnering. However, the City hopes that there are creative solutions that allow a strategic partner to use the City's fiber network as the basis for developing telecommunications in Lynchburg. Under Virginia law, municipalities are permitted to sell any telecommunications infrastructure and equipment constructed prior to September 1, 1998. *Id.* Such municipalities may receive from the purchasers, as full or partial consideration for the sale of such infrastructure, communications services to be used solely for the internal use of the locality. *Id.*

The City of Lynchburg is willing to consider selling, or otherwise contributing, its fiber optic network to one or more telecommunications providers who will commit to use and expand the network to offer voice, data, video, and other services to the residents and businesses of Lynchburg, and perhaps the surrounding region. In the event the City relinquishes control of the network, it will need to retain access to the system, or services offered over the system, for its internal uses and the uses of the schools. The City also will expect to recover its investment in the system, which exceeds \$3,500,000, through additional revenues, services, cash, or other valuable consideration.

E. Legal Requirements

The Virginia Public Procurement Act (Va. Code § 11-37) and the Lynchburg Public Procurement Act (Code § 18-151) require that all public contracts with non-governmental contractors for the purchase or lease of goods or services be awarded after sealed bidding or competitive negotiations. The City desires to enter into an agreement with a telecommunications provider to provide telecommunications services to the City. The City is willing to consider selling or otherwise exchanging its existing fiber optic network, and to acquire services from a new provider. The City has determined that competitive sealed bidding is not practicable or advantageous to the public. Therefore, the City has chosen to proceed with the RFP and a process of competitive negotiation in accordance with the Virginia Public Procurement Act and the Lynchburg Public Procurement Act.

Statement of Need

The City is requesting proposals for development of a competitive telecommunications system in the City, and for the provision of telecommunications services to City departments and entities, and for the extension of the system to all addresses in the City as rapidly as possible. The City invites interested telecommunications providers ("Offerors") to submit proposals describing how they can meet the City's goals for ensuring that the community benefits from new and advanced information technologies, how the City's existing fiber network can be used in that effort, and how they can provide services to the City and schools.

Schedule

1. In accordance with § 18-151(b)(2) of the City Code, the City will issue public notice of the RFP at least ten days prior to the date set for receipt of proposals.
2. In accordance with § 18-157 of the City Code, the City may notify any Offerors of disqualification for the award.
3. Questions concerning this RFP should be directed in writing or by facsimile no later than November 1, 1998 to James Baller, The Baller Law Group, P.C., 1820 Jefferson Place, N. W., Suite 200, Washington, D.C. 20036 (telephone (202)833-5300; facsimile: (202)833-1180). Copies should simultaneously be sent to Adrian Herbst, Fredrikson & Byron, P.A., 1100 International Centre, 900 Second Avenue South, Minneapolis, Minnesota, 55402 (telephone: (612)347-7053; facsimile: (612)347-7007), to David St. John, City of Lynchburg Department of Public Works, City Hall, 900 Church Street, Second Floor, Lynchburg, Virginia 24505 (telephone: (804)847-1360; facsimile: (804)847-1360 and to Robert Burgess, City of Lynchburg Department of Budget and Procurement, City Hall, 900 Church Street, Third Floor, Lynchburg, Virginia 24505 (telephone: (804)847-1487; facsimile: (804)845-0711.
4. An original and two copies of proposals must be received by City of Lynchburg Budget and Procurement Division at the address listed in the previous paragraph no later than 4:00 p.m (Prevailing Time) on December 1, 1998. Offerors should also simultaneously submit three additional copies each to James Baller, Adrian Herbst and David St. John at the addresses listed in the previous paragraph. All proposals must be submitted in an envelope marked "Proposal to City of Lynchburg for Telecommunications Services." Proposals must be signed by an authorized representative of the Offeror. Proposals received after the date and time stated will not be considered. It is the responsibility of the Offeror to see that its proposal is received in the Budget and Procurement Division by the specified date and time. Date of postmark is not considered. Telephone and facsimile proposals are not acceptable.
5. In accordance with § 18-151(b)(1) and (b)(3) of the City Code, the City will evaluate proposals upon the requirements set forth in this RFP. If at least two (2) Offerors are fully qualified to furnish the services that the City seeks, the City shall select two (2) or more Offerors that it deems to be best suited among those submitting proposals, on the basis of the factors involved in this Request for Proposal. Negotiations shall then be conducted with each of those Offerors so selected. Price may be

considered, but need not be the sole determining factor. After negotiations have been conducted with each Offeror selected, the City may select those Offeror(s) which, in its opinion, has made the best proposal, and award a contract to those Offeror(s). Should the City determine in writing in its sole discretion that only one Offeror is fully qualified, or that one Offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that Offeror.

6. Should the City determine in writing in its sole discretion that no Offeror is qualified, the City may choose not to enter into a contract with any Offeror.
7. An Offeror may be required to give an oral presentation of its proposal to the City. This will provide an opportunity for the Offeror to clarify or elaborate on the proposal. The City will schedule the time and location of such presentations. Presentations are at the option of the City and may not be conducted. Therefore, proposals should be complete.
8. In accordance with § 18-159, any Offeror may protest the City's award.
9. If one (1) or more qualified Offerors submit proposals, the City expects to commence negotiations and to select one or more Offerors by the end of the first quarter of 1999.
10. The City is willing to negotiate with more than Offeror to satisfied the various aspects of the City's request. Offerors may submit joint proposals. The City may, during the course of evaluating the proposals, suggest that one or more Offerors cooperate and form alliances to satisfy the City's requests.

Proposal Content

Proposals should be no more than 25 typed pages in length (excluding exhibits and attachments) and must contain the following, in this order:

1. Letter of transmittal.
2. Table of contents.
3. Brief description of the Offeror's firm/company.
 - a. Type of entity.
 - b. Where headquartered.
 - c. History.
 - d. Principals.

- e. Financial strength.
 - f. Technical qualifications and expertise to meet the City's telecommunications needs.
 - g. Personnel who would be assigned to the City.
 - h. Related experience.
 - i. Brief description of not less than 3 similar projects.
4. Proposal for Development of Competitive Telecommunications Services in the City, including:
- d. The terms upon which the Offeror would obtain or use the City's existing network.
 - e. The nature and structure of the "partnership" being proposed.
 - f. The financial and other benefits to the City including reduced costs, new revenue opportunities, enhanced service capabilities.
 - g. A description of the ways in which the Offeror would assist the City accomplish its telecommunications goals and vision.
 - h. A discussion of the proposal's compliance with all relevant legal requirements.
5. Proposal to offer data, voice, and Internet services to the City and schools.

Proposal Evaluation Criteria

The City may choose to enter into negotiations with more than one Offeror in any specific area or to issue a follow up RFP to a short list of Offerors. The City will evaluate proposals in accordance with the following criteria:

- 1. Ability to facilitate the goals of the City, articulated in its Vision Statement (a copy of which is attached).
- 2. Ability to meet the City's current and future telecommunications needs.
- 3. Prior experience in providing telecommunications services.
- 4. Technical and management experience of personnel.
- 5. Range, quality, and timeliness of telecommunications services offered.
- 6. Cost of service to the City and reasonableness of price proposed for services.

7. Responsiveness to the RFP.
8. Special qualifications.
9. Suitability of services for the City's purposes.
10. Customer service practices.
11. Previous projects, descriptions, and references.
12. Operations and maintenance of facilities.
13. Long-term viability of the "partnering" arrangement and its value to the City.
14. Level of service to be provided to the community.
15. Compensation to be provided to the City in exchange for the City's fiber optic network, including increased revenue to the City, services, cash, or other valuable consideration.
16. Any other lawful and reasonable criteria.

Contract Award and Development

1. The competitive negotiation method of selection, as described by the Lynchburg Public Procurement Act, will be used to determine the most qualified Offeror among those submitting proposals. Proposals will be evaluated in accordance with the proposal evaluation criteria in this RFP.
2. In accordance with § 18-160(a) of the City Code, the City may give preference to services produced in Virginia or provided by Virginia persons, firms, or corporations, if such a choice is available.
3. The content of the RFP and the successful Offeror(s)' proposal will become an integral part of the contract, but may be modified by provisions of the contract. Offerors must be amenable to inclusion in a contract of any information provided either in response to this RFP or received subsequently during the selection process. The information received will be considered contractual in nature and will be used in evaluation of proposals and in subsequent contractual action.

Terms and Conditions

1. No member of the governing body, officer, or employee of the City during his/her tenure or employment or for one year thereafter shall have any interest, direct or indirect, in the contract or the proceeds thereof.
2. The City reserves the right to accept any proposal and to reject any or all proposals.
3. The City may make such reasonable investigations as deemed proper and necessary to determine the ability of the Offeror to perform the work, and the Offeror shall furnish to the City all such information and data for this purpose as may be requested. Upon notice, the City reserves the right to inspect Offeror's physical plant or offices prior to the award to satisfy questions regarding the Offeror's capabilities. The City further reserves the right to reject any proposal if the evidence submitted by or investigations of such Offeror fails to satisfy the City that such Offeror is properly qualified to carry out the obligations of the contract.
4. All proposals submitted under this RFP will become the property of the City and will not be returned.
5. In accordance with § 18-158.1(d) of the City Code, trade secrets or proprietary information submitted by an Offeror in connection with a procurement transaction shall not be subject to public disclosure under the Virginia Freedom of Information Act. However, the Offeror must invoke the protections of this section prior to or upon submission of the data or other materials, and *must identify the data or other materials to be protected and state the reasons why protection is necessary*.
6. Appeals and claims will be handled in accordance with § 18-159 of the City Code.
7. The City will not be responsible for any expenses incurred by a potential Offeror in preparing and submitting a proposal.
8. Insurance. Offeror shall furnish insurance suitable to the City.
9. The City reserves the right to modify or increase the scope of work during contract performance, for adequate consideration. In no event may the amount of any contract, without adequate consideration, be increased for any purpose, including, but not limited to, relief of an Offeror from the consequences of an error in its proposal.

10. The City reserves the right to select more than one Offeror and to negotiate for a partnering arrangement, or to purchase services from, more than one Offeror.
11. Required attachments and certifications to RFP:
 - a. Offerors must submit appropriate documentation to certify that all applicable owed to the City of Lynchburg or the Commonwealth of Virginia have been filed, are paid fully up-to-date, and will remain paid on a timely basis through the life of any such procurement relationship with the City.
 - b. The attached “Questions to Offeror” must be completed, signed, and returned with the proposal.
 - c. The attached “Non-Discrimination and Anti-Collusion” statement must be signed, notarized, and returned with the proposal.

Questions to Offeror

1. Have the individual(s), owner(s), or principal officer(s) of the Offeror submitting the proposal ever been convicted of or had a civil judgments entered against them for any of the followings causes:

- a. Commission of fraud or a criminal offense in connection with (i) obtaining, (ii) attempting to obtain, or (iii) performing a public contract or subcontract;
- b. Violation of federal or state anti-trust laws relating to the submission of authors;
- c. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements ore receiving stolen property; or
- d. Commission of any other offense indicating the lack of business integrity or business honesty that seriously and directly efforts the present responsibility of a government contractor or subcontractor.

Yes _____ No _____

If “yes,” list individual(s), owner(s), and officer(s) involved, titles, and details.

2. Have the individuals(s), owner(s), or principle officer(s) of the Offeror submitting the proposal ever had a civil judgment entered against them or been convicted of a felony or misdemeanor based upon their willful failure to perform in accordance with the terms of one or more contracts?

Yes _____ No _____

3. Is the Offeror’s firm or company currently involved in litigation which could adversely affect performance on this contract?

Yes _____ No _____

(Note: answering “yes” to any of these questions will not necessarily exclude an Offeror from consideration, but will be used weigh the relationship between the offense and the contract to be performed.)

Proposal No. _

CERTIFICATION OF NON-DISCRIMINATION AND ANTI-COLLUSION

I. By submitting their proposal, all Offerors certify to the City of Lynchburg, Virginia that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, where applicable, the Virginians with Disabilities Act, the Americans with Disabilities Act, § 11-51 of the Virginia Public Procurement Act, and § 18-156 of the Lynchburg Public Procurement Act.

In every contract over \$10,000, the provisions below apply:

1. During the performance of this contract, the Offeror agrees as follows:

a. The Offeror will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Offeror. The Offeror agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

b. The Offeror, and all solicitations or advertisements for employees placed by or on behalf of the Offeror, will state that such Offeror is an equal opportunity employer.

c. Notices, advertisements, and solicitations placed in accordance with federal laws, rules, or regulations shall be deemed sufficient for the purpose of meeting the requirements of this section.

2. The Offeror will include the provisions of the foregoing paragraphs a, b, and c in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

II. Further, by submitting a proposal, the Offeror certifies that the proposal is not the result of, or affected by, any act of collusion with another person engaged in the same line of business, or any act of fraud punishable under the Virginia Commonwealth Frauds Act.

Acknowledged before me this ____ day of _____, 199__.

Notary Public

My Commission expires: _____, _____.